

## REMARKS

Upon entering of the Amendment the claims pending in the application will be 1-7, 20-27 and 28-33.

Applicant's inadvertent failure to assign the number 13 to a claim is the basis for the rejection of Claims 14-27 under 35 U.S.C. 112. Newly added Claims 28-33 are directed to the embodiments previously addressed in Claims 14-19. This rejection is believed addressed and overcome by the present amendment.

The present invention is directed to a specifically structured phenolic compound, to its use as a molecular chain terminator in making any of polycarbonate, polyestercarbonate and polyester. Embodiments directed to a process for using the phenolic compound in making these resins are represented by Claims 1 and 27; dependent claims directed to the narrower embodiments of the process, to resins thus made and to article comprising the same are represented by Claims 2-7, 14-19 20-21 and 26. Claims 22 -25 are directed to the phenolic compound.

Claims 1-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0049030 further in view of US 2004/0059068. It will be noted that Claims 8-12 have previously been cancelled and that no claim is numbered "13".

US 2004/0049030 disclosed a tert.alkyl phenoxy-substituted polycyclic compound conforming to a stated formula. The structure of the referenced formula does not describe a phenolic compound at all, much less the presently claimed phenolic compound. It will be noted [0009] that the use of the referenced compound is said to be in coloring high molecular weight materials , as dispersing aids and pigment additives of organic pigments and as coloring component in decorative cosmetics and for preparing aqueous polymer dispersions.

US 2004/0059068 disclosed chain terminators of polycarbonate none describing the presently claimed phenolic compound.

Applicants respectfully assert that the cited art is not combinable for any purpose much less in a manner describing the presently claimed invention.

Falling short of the prima facie case, the rejection alleging obviousness is clearly untenable and its withdrawal is respectfully urged.

Claims 1-27 stand rejected under 35 U.S.C. 102(e) as anticipated by US 2004/0049030. (As was noted above, Claims 8-12 have been previously cancelled and Claim 13 does not exist)

The present invention concerns a specially structured phenolic compound, and the claims are thus directed to compound and to its use.

US 2004/0049030 disclosed a tert.alkyl phenoxy-substituted polycyclic compound conforming to a stated formula. The structure of the referenced formula does not describe a phenolic compound at all, much less the presently claimed phenolic compound.

The standard for anticipation is one of strict identity. To anticipate a claim for a patent, a single prior art document must contain all the essential elements of the claimed invention. *In Re Donohue* 226 USPQ 619.

Set against this standard it is clear that the claims are not thus anticipated and the stated rejection is in error. Retraction of the rejection is respectfully urged.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

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